

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

MONDHER BEJAOUI,

Defendant.

10 Cr. 553 (SHS)

GOVERNMENT'S SUPPLEMENTAL REQUEST TO CHARGE

PREET BHARARA
United States Attorney for the
Southern District of New York
One Saint Andrew's Plaza
New York, New York 10007

Alexander Wilson
Kan M. Nawaday
Assistant United States Attorneys
Of Counsel

SUPPLEMENTAL REQUEST NO. 1

Pro Se Defendant

The defendant has decided to represent himself in this trial and not to use the services of a lawyer. Mr. Bejaoui has a constitutional right to do that. I also appointed Mr. Dratel as what we call "stand-by" counsel to give advice when and if and to the extent Mr. Bejaoui wanted it.

Mr. Bejaoui's decision to represent himself has no bearing on whether he is guilty or not guilty, and it must not affect your consideration of the case.

But because Mr. Bejaoui has decided to act as his own lawyer, you heard him speak at various times during the trial.

[If applicable: He made an opening statement and closing argument. He asked questions of witnesses, made objections, and argued to the court.]

I want to remind you that when Mr. Bejaoui spoke in these parts of the trial he was acting as a lawyer in the case, and his words are not evidence. The only evidence in this case comes from witnesses who testify under oath on the witness stand and from exhibits that are admitted.


Adapted from Sand, Modern Federal Jury Instructions, Instr. 1-18; and from the charge of Honorable Alvin K. Hellerstein in United States v. Nuey, 04 Cr. 479 (AKH) (S.D.N.Y. 2005).

Dated: New York, New York
December 11, 2012

Respectfully submitted,

PREET BHARARA
United States Attorney for the
Southern District of New York

By:



Alexander Wilson / Kan M. Nawaday
Assistant United States Attorneys
Tel.: (212) 637-2453 / 2311

Certificate of Service

Filed Electronically

The undersigned attorney, duly admitted to practice before this Court, hereby certifies that on the below date, he served or caused to be served the following document in the manner indicated:

GOVERNMENT'S SUPPLEMENTAL REQUEST TO CHARGE

1. Service by Federal Express on defendant Mondher Bejaoui at the Metropolitan Detention Center.
2. Service via Clerk's Notice of Electronic Filing upon standby counsel in this case, Joshua Dratel, Esq.

Dated: New York, New York
December 11, 2012

A handwritten signature in dark ink, appearing to read 'Kan M. Nawaday', is written over a horizontal line.

Kan M. Nawaday
Assistant United States Attorney
(212) 637-2311